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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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JASON FREGIA,

Plaintiff,

v.

ANN BRIGHT, et al.,

Defendants.

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CIVIL ACTION NO. 1:16-CV-187

**ORDER ADOPTING REPORT AND RECOMMENDATION**

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for all pretrial matters pursuant to General Order 05-07. The court has received and considered the report and recommendation (Doc. No. 52) granting the Defendants' "Motion to Dismiss Plaintiff's Third Amended Complaint" (Doc. No. 29) and the order severing and transferring Plaintiff's claims relating to Rollover Pass to the Southern District of Texas. (Doc. No. 53.)

The Plaintiff, Jason Fregia, proceeding *pro se*, filed timely objections to the report and recommendation and the order severing and transferring the Rollover Pass claims to the Southern District of Texas. (Doc. Nos. 55, 57).

A party who files timely written objections to a magistrate judge's report and recommendation is entitled to a *de novo* determination of those findings or recommendations to which the party specifically objects. 28 U.S.C. § 636(b)(1)(c); FED. R. CIV. P. 72(b)(2)-(3). "Parties filing objections must specifically identify those findings [to which they object]. Frivolous, conclusive or general objections need not be considered by the district court." *Nettles*

*v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), overruled on other grounds by *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996) (en banc).

The court has undertaken a *de novo* determination<sup>1</sup> of the report and recommendation, and the order severing and transferring the Rollover Pass claims to the Southern District of Texas. The court concludes that Fregia’s objections are without merit.

The magistrate judge’s report and recommendation (Doc. No. 52) is **ADOPTED** as the opinion of the court, the order of severance and transfer (Doc. No. 53) is separately **ADOPTED**, and the Defendant’s “Motion to Dismiss Plaintiff’s Third Amended Complaint” (Doc. No. 29) is **GRANTED**. A final judgment will be entered separately.

SIGNED at Beaumont, Texas, this 27th day of October, 2017.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE

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1. Courts in this District treat an order transferring venue as a non-case dispositive matter subject to the more deferential “clearly erroneous and contrary to law” standard of review. *See* FED. R. CIV. P. 72(a); LOC. R. CV-7(a)(2); *Personalized Media Communications, LLC v. Zynga, Inc.*, 2:12-CV-68-JRG-RSP, 2013 WL 12147661, at \*1 (E.D. Tex. July 22, 2013). However, out of an abundance of caution, the court will apply the less deferential *de novo* standard of review to the magistrate judge’s order of severance and transfer.